

PTO/PCT Rec'd 22 AUG 2001

EL915796466US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Corrado FOGHER

Re: SUBMITTAL OF VERIFIED STATEMENTS  
CLAIMING SMALL ENTITY STATUS

U.S. Serial No.: 09/743,823

Group Art Unit: not yet assigned

INTERNATIONAL APPLICATION NO.:  
PCT/IT99/00226

Our Ref.: B-4075PCT 618484-4

INTERNATIONAL FILING DATE:  
19 July 1999

For: "A SYNTHETIC POLYNUCLEOTIDE..."

Date: August 22, 2001

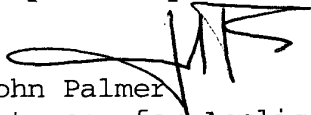
Commissioner for Patents  
BOX PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231

Attn: Paulette Kidwell, Paralegal  
U.S. National Stage Processing  
PCT International Division

Dear Ms. Kidwell:

Enclosed for filing in the subject application is the executed Verified Statement Claiming Small Entity Status (Independent Inventor) executed by inventor Corrado Fogher and the executed Verified Statement Claiming Small Entity Status (Small Business Concern) signed by Nicola Fogher, General Manager of PLANTECHNO S.r.l.

Respectfully submitted,

  
John Palmer  
Attorney for Applicant  
Reg. No. 36,885  
LADAS & PARRY  
5670 Wilshire Boulevard  
Suite 2100  
Los Angeles, CA 90036  
(323) 934-2300

Encl: Verified Statement Claiming Small Entity Status (Independent Inventor)  
Verified Statement Claiming Small Entity Status (Small Business Concern)

10/2/01

Attorney's Docket No. B-4075PCT 618484-4**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION, OR CIP)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (check one applicable item below)

- ☐ original  
☐ design  
☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☒ national stage of PCT

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION, OR CIP.

- ☐ divisional  
☐ continuation  
☐ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

**"A SYNTHETIC POLYNUCLEOTIDE CODING FOR HUMAN LACTOFERRIN, VECTORS, CELLS AND TRANSGENIC PLANTS CONTAINING IT"**

**SPECIFICATION IDENTIFICATION**

the specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.  
 (b) ☐ was filed on \_\_\_\_\_ as ☐ U.S. Serial No. 09 /  
 or ☐ Express Mail No., as Serial No. not yet known, \_\_\_\_\_  
 and was amended on \_\_\_\_\_ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

- (c) ☒ was described and claimed in  
 PCT International Application No. PCT/IT99/00226  
 filed on 19 July 1999 as amended under PCT Article 19 (1)  
 on \_\_\_\_\_ (if any).

09743823-032201

# ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code Federal Regulations § 1.56.

[ ] In compliance with this duty there is attached an information disclosure statement 37 CFR 1.97.

## PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign applications(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) [ ] no such applications have been filed.  
(e) [X] such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

## EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN(S)) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
ITALY	RM98A000478	17 July 1998	[X] YES [ ] NO
			[ ] YES [ ] NO
			[ ] YES [ ] NO
			[ ] YES [ ] NO
			[ ] YES [ ] NO

## ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN(S)) PRIOR TO THIS U.S. APPLICATION

# POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

9- Richard P. Berg, Reg. No. 28,145  
Mavis S. Gallenson, Reg. No. 32,464  
Kam C. Louie, Reg. No. 33,008  
William C. Boling, Reg. No. 41,625  
Ross A. Schmitt, Reg. No. 42,529

Victor Repkin, Reg. No. 45,039  
John Palmer, Reg. No. 36,885  
Peter D. Galloway, Reg. No. 27,885  
William R. Evans, Reg. No. 25,858

(check the following item, if applicable)

☐ Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

## SEND CORRESPONDENCE TO:

Richard P. Berg, Esq.  
c/o LADAS & PARRY  
5670 Wilshire Boulevard, Suite 2100  
Los Angeles, California 90036-5679

## DIRECT TELEPHONE CALLS TO:

(Name and telephone number)

Richard P. Berg

(323) 934-2300

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

Full name of sole or first inventor Corrado FOGHER

Inventor's signature [Signature]

Date 2 March 2001 Country of Citizenship ITALY

Residence Casalmaggiore CR, ITALY

Post Office Address Via Ticino 32 26041 Casalmaggiore CR ITALY

Full name of second joint inventor, if any \_\_\_\_\_

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

Full name of third joint inventor, if any \_\_\_\_\_

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

CHECK PROPER X(ES) FOR ANY OF THE FOLLOWING ED PAGES(S)  
WHICH FORM A PART OF THIS DECLARATION

- ☐ Signature for third and subsequent joint inventors. *Number of pages added* \_\_\_\_
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. *Number of pages added* \_\_\_\_\_
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. *Number of pages added* *Added pages to combined declaration and power of attorney for divisional, continuation-in-part (CIP) application.*  
*Number of pages added* \_\_\_\_\_

\* \* \*

- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

\* \* \*

***If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.***

- ☒ This declaration ends with this page.

Applicant or Patentee Corrado FOGHER Attorney's Docket No. B-4075PCT 618484-4  
 Serial or Patent No. 09/743,823  
 Filed or Issued: 16 January 2001  
 International Application No. PCT/IT99/00226 filed 19 July 1999  
 For: "A SYNTHETIC POLYNUCLEOTIDE CODING FOR HUMAN LACTOFERRIN, VECTORS, CELLS AND TRANSGENIC PLANTS CONTAINING IT"

**Verified Statement (Declaration) Claiming Small Entity Status**  
**37 CFR 1.9(f) and 1.27(c) - Small Business Concern**

I hereby declare that I am:

☐ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: PLANTECHNO S.r.l.  
 Address of Concern: Via Staffolo 60 26040 Casalmaggiore CR ITALY

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled: "A SYNTHETIC POLYNUCLEOTIDE CODING FOR HUMAN LACTOFERRIN, VECTORS, CELLS AND TRANSGENIC PLANTS CONTAINING IT"

by inventor(s): Corrado FOGHER

described in:

☐ the specification filed herewith.  
☒ application serial no.: 09/743823, filed 16 January 2001  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\*, and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: NICOLA FOGHER  
 Title of Person Other Than Owner: GENERAL MANAGER  
 Address of Person Signing: VIA TICINO 32 26041 CASALMAGGIORE CR ITALY

Signature:  Date: 2 MARCH 2001

09/743,823

Applicant or Patentee: Corrado FOGHER Attorney's Docket No. B-4075PCT 618484-4Serial or Patent No. 09/743,823Filed or Issued: 16 January 2001International Application No. PCT/IT99/00226, filed 19 July 1999For: "A SYNTHETIC POLYNUCLEOTIDE CODING FOR HUMAN LACTOFERRIN, VECTORS, CELLS AND TRANSGENIC PLANTS CONTAINING IT"**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9 (f) and 1.27(b)) -- INDEPENDENT INVENTOR(S)**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9 (c) for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled "A SYNTHETIC POLYNUCLEOTIDE CODING FOR HUMAN LACTOFERRIN, VECTORS, CELLS AND TRANSGENIC PLANTS CONTAINING IT" described in

☐ the specification filed herewith.

☐ application serial no.: \_\_\_\_\_, filed \_\_\_\_\_.

☒ International Application No. PCT/IT99/00226, filed 19 July 1999, and identified as U.S. Application No. 09/743,823

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9 (c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

Each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

☐ no such person, concern, or organization

☒ persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME PLANTECHNO S.r.l.

ADDRESS Via Staffolo 60 26040 Casalmaggiore CR ITALY

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_


ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Corrado FOGHER  
Name of First Inventor

  
Signature of First Inventor

2 March 2001  
Date

102260-2234/60